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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,065

12/14/2006

Stephen Brennom

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

02/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,065	<b>Applicant(s)</b> BRENNOM, STEPHEN	
	<b>Examiner</b> Timothy L. Maust	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05, 5/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor must be shown or the feature(s) canceled from the claim(s) 3. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 17 is objected to because of the following informalities: Claim 17 should have a period at the end of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11, 12, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hundtofte (3608751).

Regarding claim 1, the Hundtofte reference discloses an apparatus (i.e., a loading tool; see Figure 2) for distributing solid particles into a tube (T), comprising: A center member (1); and a plurality of damper members (2) connected to the center member and arranged on the center member to provide substantially circumferential coverage along a longitudinal length of the tube (T), wherein individual ones of the plurality of damper members are axially spaced from one another along the center member and each one extends in a radial direction away from the center member toward an inside diameter of the tube on substantially only one 180° radius of the center member such that the damper member itself lacks substantial coverage of a cross section of the tube (i.e., each damper member blade (4) lies on either side of center

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member (1) 180 degrees from each other). Further, the loading tool is automatically wound up via unit (7).

Regarding claim 2, the method as claimed would be inherent during normal use and operation of the device.

Regarding claims 11 and 17, the blades (2) are made of Teflon, which is a plastic derivative.

Regarding claims 12 and 18, the blades (2) are attached or locked to the center member by wire or friction tape (3).

Regarding claim 20, see column 2, lines 13-19.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hundtofte in view of Minami (5795550).

Regarding claims 3-5, the Hundtofte reference discloses the invention substantially as claimed (discussed supra) including automatically winding in of the center member as the tube is loaded, but doesn't disclose having a sensor that is utilized communicate the position of the center member. However, the Miname reference discloses another catalyst loading tool having a distance sensor 88 that

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determines the distance between the loading tool and the catalyst bed to keep the proper distance between the two. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hundtofte device to have a distance sensor (if not already) in view of the teachings of the Minami reference in order to keep the proper distance between the loading tool and catalyst bed. The first second and second portions being the unit (7) and the lower portion of the center member (1) adjacent the catalyst bed.

Claims 8-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hundtofte in view of Ryntveit et al. (5247970)

Regarding claims 8-10 and 14-16, the Hundtofte reference discloses the invention substantially as claimed (discussed supra), but doesn't disclose the center member (1) being a wire, chain, or a rod. However, the Ryntveit et al. reference discloses another catalyst loading device that discloses the central member (4) being an articulated rod, a wire, chain or the like to raise and lower damper members (7) (see column 2, lines 25-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a wire, chain or articulated rod for the Hundtofte central member as, for example, taught by Ryntveit et al.; wherein so doing would amount to mere substitution of one functional equivalent central member for another within the same art and the selection of any of these central members would work equally well in the Hundtofte device.

Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hundtofte.

Regarding claims 13 and 19, the Hundtofte reference discloses the invention substantially as claimed (discussed supra), but doesn't disclose the connection of the locking portion forming a loop. It would have been an obvious matter of design choice to employ a connection as defined above on the Hundtofte absent any showing of criticality, since applicant has not disclosed that a locking portion forming a loop solves any stated problem and it appears that the invention would perform equally with or without the above design.

#### ***Allowable Subject Matter***

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record pertains to various catalyst loading devices, similar to Applicant's device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 7:00-5:30pm.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/  
Primary Examiner  
Art Unit 3751

2/12/09